

REMARKS

Claims 1-52 are now pending in the application. Claims 1-13 are allowed. Claims 18 and 31 have been amended to address mere informalities and these claims are of an equivalent scope as originally filed. In light of the documentary evidence and arguments submitted herein, the Examiner is respectfully requested to reconsider and withdraw the rejections.

DECLARATION UNDER 37 C.F.R. § 1.131

The co-inventors of the present application, Frederick E. Pinkerton, Martin S. Meyer, and Gregory P. Meisner, have each executed a declaration (enclosed) in accordance with 37 C.F.R. §1.131 and §1.68 attesting that the date of conception and the date of reduction to practice of the presently claimed invention occurred prior to June 25, 2003. These declarations are being submitted with the purpose of overcoming the rejections contained in the non-final office action, namely U.S. Patent Nos. 6,967,012 to Meisner et al. (hereinafter "the '012 patent") and 7,029,649 to Meisner et al. (hereinafter "the '649 patent"). The '012 patent has an effective date of June 25, 2003 and the '649 patent has an effective date of August 26, 2003. Applicants submit that these declarations establish that the inventive activities, specifically conception of the invention and reduction to practice, occurred prior to the earliest effective date (*i.e.*, June 25, 2003) of either cited patent and neither is available as prior art to the present application, as will be discussed in more detail below.

REJECTION UNDER 35 U.S.C. §§ 102 AND 103

Claims 14-52 stand rejected under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Meisner et al (U.S. Pat. No. 7,029,649) or Meisner et al. (U.S. Pat. No. 6,967,012). This rejection is respectfully traversed.

As noted above, §1.131 Declarations submitted by Inventors F. Pinkerton, M. Meyer, and G. Meisner, establish that the inventive activities related to Claims 1-52 of the present invention occurred prior to June 25, 2003, the earliest effective date of either the '012 or '649 patent references. The conception and reduction to practice of the present invention pre-date the effective dates of the '012 and '649 patent references, and thus, the '012 and '649 patent references are not available as prior art under §102(e) and/or §103(a). As such, Applicant submits that none of Claims 1-52 can be anticipated or rendered obvious over either the '012 or '649 patents. Applicants respectfully request reconsideration of the claims and withdrawal of the rejections.

ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for the thorough consideration of the claims and the indication of allowable subject matter contained in Claims 1-13. In light of the evidence submitted herein, Applicants respectfully submit that all of the pending claims are now in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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